

discussed *supra*, Applicants submit that FISCHER, as well as the other references of record, are markedly different from the present claimed invention. As noted in the Response to the Official Action filed on July 10, 2002 (all the arguments of which are expressly incorporated in the present response), FISCHER does not disclose an *endoscopic spraying* instrument or device as claimed in independent claims 1 and 6 (and as claimed in newly-added independent claims 17 and 22), but is rather directed to a syringe-like apparatus (*i.e.*, not an endoscope) for applying viscous coatings (*i.e.*, non-spraying) to a surface via bristles. Any other reading of FISCHER would overbroaden the definition of “spray nozzle” to *any* exit hole. As noted above, the applied FISCHER reference fails to teach or disclose a spray nozzle, as recited in independent claims 1 and 6, nor does it teach or disclose an ejection hole configured to spray a liquid therethrough, as recited in newly-added dependent claims 17 and 22. It is therefore respectfully submitted that FISCHER, as well as the other references of record, fails to teach or disclose the invention of independent claims 1 and 6 (and newly-added independent claims 17 and 22), as well as the claims dependent therefrom.

With respect to the Examiner’s rejection of dependent claims 2-5 and 7-12, since these claims are dependent from either allowable independent claim 1 or 6, which are allowable for at least the reasons discussed *supra*, these dependent claims (as well as newly-added dependent claims 18-21 and 23-28) are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

With respect to the above amended features noted as deficient in the prior art, Applicants note that these features have been included merely to advance prosecution of the application to

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allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1 and 6 (and newly-added independent claims 17 and 22), and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(b).

Further, Applicants note that the amendments to claims 1-4 and 6 and the addition of claims 17-28 include the subject matter from one of already-examined claims 13-16, which the Examiner indicated to be allowable during the telephonic interview. Therefore, the above amendments and new claims do raise any new issues requiring further search or consideration, and entry of this Amendment is appropriate after final rejection.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 102, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicants' invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been

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pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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MARKED-UP COPY OF AMENDED CLAIMS 1-4 AND 6

1. (Amended- Marked-Up Copy) An endoscopic spraying instrument in which liquid passed through a liquid supplying tube and a rotatingly guiding groove disposed at a leading end side of the supplying tube is rotated about an central axis within a liquid rotating chamber disposed at a leading end side of the rotatingly guiding groove and discharged forwardly from an [ejection hole] spray nozzle formed in a leading end wall of the liquid rotating chamber, the instrument comprising:

an annular, protruded wall, which is spaced outwardly from an outer periphery of the [ejection hole] spray nozzle, which is protruded forwardly, and which surrounds an exit of the [ejection hole] spray nozzle.

2. (Amended- Marked-Up Copy) The instrument of claim 1, wherein an wall surface extending between the outer periphery of the [ejection hole] spray nozzle and the annular, protruded wall is defined by a tapered surface or a curved, concave surface.

3. (Amended- Marked-Up Copy) The instrument of claim 1, wherein an wall surface extending between the outer periphery of the [ejection hole] spray nozzle and the annular, protruded wall is defined by a planar surface perpendicular to an axis of the [ejection hole] spray nozzle.

4. (Amended- Marked-Up Copy) The instrument of claim 1, wherein a wall surface of the annular, protruded wall is parallel to an axis of the [ejection hole] spray nozzle.

6. (Amended- Marked-Up Copy) A cap member to be provided to a leading end of an endoscopic spraying device, the cap member comprising:

a cylindrical portion defining an interior of the cap member; and

a leading end wall at a leading end of the cylindrical portion, the leading end wall separating

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the interior of the cap member from an exterior thereof, the leading end wall having an [ejection hole] spray nozzle communicating the interior with the exterior, the leading end wall including:

a first wall surface in the exterior of the cap member, the first wall surface extending radially outwardly from an outer periphery of the [ejection hole] spray nozzle; and

a second wall surface in the exterior of the cap member, the second wall surface extending longitudinally outwardly from an outer periphery of the first wall surface.